

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KENNETH G CHARRON, SR.,)
)
Petitioner,)
)
v.) No. 4:13CV508 RWS
)
BILL ARMONTROUT,)
)
Respondent.)

MEMORANDUM AND ORDER

This matter is before me on petitioner's motion for relief from judgment under Rule 60(b)(3) of the Federal Rules of Civil Procedure. Petitioner seeks to reverse the judgment of his 1990 federal habeas petition, Charron v. Armontrou, 4:90CV2185 GFG (E.D. Mo.). Petitioner claims that respondent committed fraud upon the Court because the Assistant Attorney General withheld documents from the Court and lied to the Court when the case was presented to the Court for ruling.

Pursuant to Rule 60(c)(1), "A motion under Rule 60(b) must be made within a reasonable time--and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding." This cause of action under Rule 60(b)(3) comes more than one year after the Court entered judgment against petitioner. As a result, it is untimely.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion for relief from judgment [Doc. 1] is **DENIED**.

Dated this 22nd day of March, 2013.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE